

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE FASHION EXCHANGE LLC,

Plaintiff,

14 **CIVIL** 1254 (SHS)

-against-

JUDGMENT

HYBRID PROMOTIONS, LLC, ET AL.,

Defendants.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated September 29, 2023, because the court finds as a matter of law that the use in commerce of defendants' marks-HYBRID, HYBRID TEES, and HYBRID APPAREL-is not likely to cause confusion with TFE' s marks-HYBRID and HYBRID & COMP ANY - defendants' motion for summary judgment is granted and plaintiff's cross-motion is denied. Because plaintiff's claims of trademark infringement as well as its claims of unfair competition under the Lanham Act require a finding of likelihood of confusion to proceed, see EMI Catalogue P'ship v. Hill, Holliday, Connors, Cosmopulos Inc., 228 F.3d 56, 61-62 (2d Cir. 2000), both claims are dismissed. Accordingly, the case is closed.

Dated: New York, New York

September 29, 2023

RUBY J. KRAJICK
Clerk of Court

BY:



Deputy Clerk